THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION No.16026 of 2003

Dated :11.07.2007

Between:

Nouman Ali, S/o.Abdul Quadeer.

..... PETITIONER

And:

The Transmission Corporation of A.P. Limited,
(A.P.TRANSCO), rep. by its Chief Managing Director,
Vidyut Soudha, Khairatabad, Hyderabad,
and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

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ORDER:

Petitioner is the proprietor of Taj Ice-cream, situated at Nampally, Hyderabad, which has the electricity service connection bearing No.E1-233. Respondent-officials inspected the firm of the petitioner on 04.11.1995 and noticed that the connected load exceeded contracted load by 10.78 HP. Accordingly, a case was booked against the petitioner for malpractice of energy and a provisional assessment notice dated 30.01.1996 was issued to him, assessing the loss sustained by the department at Rs.67,587.37 and Rs.150/- towards the supervision charges. As no explanation was offered, the third respondent passed

final assessment order dated 30.11.1996, directing the petitioner to pay the said estimated amount. Questioning the same, petitioner preferred an appeal before the second respondent, and the same was dismissed on 19.02.1998, confirming the order of the third respondent. Hence, this writ petition.

Heard the learned Counsel for the petitioner, and the learned Standing Counsel for the respondents.

Having perused the record it is clear that the connected load exceeded the sanctioned load. Apart from this, this Court cannot decide as to whether the connected load found really exceeded the sanctioned load or not, and only technical people can decide the said aspect. Further, from a perusal of the orders impugned, it is clear that the petitioner had never approached the authorities and offered his explanation as to how the assessment made by the fourth respondent is not correct. In the absence of any material, this Court is of the view that the respondents are justified in estimating the loss. Hence, this Court sees no merits in this writ petition.

Accordingly, the writ petition is dismissed. However, according to the learned counsel for the petitioner, petitioner has paid a sum of Rs.37,000/- towards the amount demanded and thereafter by virtue of interim order dated 01.08.2003 passed by this Court in W.P.M.P.No.19867 of 2003, petitioner paid a further sum of Rs.15,000/-, totaling Rs.52,000/-. Hence, petitioner is directed to pay the balance amount within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

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11.07.2007

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